

Message Text

CONFIDENTIAL

PAGE 01 QUITO 03049 01 OF 02 072305Z
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03
PA-01 SP-02 SS-15 TRSE-00 AID-05 OMB-01 /058 W
-----039320 072331Z /62

O R 072230Z MAY 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC IMMEDIATE 8159
AMEMBASSY LIMA NIACT IMMEDIATE
INFO AMEMBASSY LA PAZ
AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 3049

LIMA FOR DEPUTY ASSISTANT SECRETARY MCNEIL

E.O. 11652: GDS
TAGS: PINT, EC
SUBJECT: ELECTORAL TRIBUNAL DISQUALIFICATION OF HURTADO, MENA
MAY NOT STICK

REF: QUITO 3023

1. BEGIN SUMMARY: ON MAY 6 THE SUPREME ELECTORAL TRIBUNAL (SET) ANNOUNCED THAT IT HAD RESOLVED TO ACCEPT THE APPLICATION OF THE RADICAL ALFARIST FRONT (FRA) FOR RECOGNITION AS A POLITICAL PARTY BUT REJECT THE POPULAR DEMOCRACY PARTY (DP) AND THE CHINA-LINE COMMUNIST POPULAR DEMOCRATIC MOVEMENT (MPD). ALTHOUGH THERE REMAINS ONE MORE CHANCE FOR APPEAL, FOR THE MOMENT THE VICE PRESIDENTIAL NOMINATION OF OSVALDO HURTADO (DP) AND THE PRESIDENTIAL NOMINATION OF CAMILO MENA ARE REPORTED IN THE MEDIA AS STYMIED. THE OBSCURE GROUNDS FOR THE CONTINUED DISQUALIFICATION OF THE DP MAY ADD TO THE PUBLIC IMPRESSION THAT THE SET IS DELIBERATELY SEEKING ELEMENTS THAT WOULD PERMIT THE DISQUALIFICATION OF THAT PARTY. ON THE EVENING OF MAY 6 FONMIN AYALA AND MINDEF ARRATA WERE VERY DEFENSIVE ABOUT THE SET MOVES, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 QUITO 03049 01 OF 02 072305Z

INSISTING THAT IT WAS ACTING AUTONOMOUSLY IN MEETING WITH USG OFFICIALS. HOWEVER, IN PRIVATE MEETING WITH EMBOFFS MAY 7 MINDEF ARRATA INDICATED THAT DECISION COULD BE BE REVERSED. END SUMMARY.

2. ON MAY 6 THE SUPREME ELECTORAL TRIBUNAL (SET) ANNOUNCED THAT IT HAD RESPONDED FAVORABLY TO THE REQUEST

OF FRA THAT ITS EARLIER DISQUALIFICATION BE REVERSED. THE SET DETERMINED THAT FRA DID IN FACT MEET THE NEW, MORE LIBERAL, INSCRIPTION PROVISIONS. THIS DECISION ENABLES FRA PRESIDENTIAL CANDIDATE ABDON CALDERON TO CONTINUE HIS CAMPAIGN.

3. IN A MOVE THAT APPARENTLY CONTRADICTED THE SET'S RECENT LIBERALIZATION OF THE INSCRIPTION CRITERIA, AND GENERAL EXPECTATIONS IT REAFFIRMED ITS EARLIER DISQUALIFICATION OF THE CHINA-LINE COMMUNIST POPULAR DEMOCRATIC MOVEMENT (MPD) AND THE POPULAR DEMOCRACY PARTY (DP). THE SET RULED THAT THE MPD FELL JUST SHORT OF THE 24,000 REGISTERED AFFILIATES REQUIRED BY THE MORE LIBERAL RULES. IN THE REJECTION OF THE DP, WHICH IS A FUSION OF THREE POLITICAL MOVEMENTS THAT HAD NEVER ENJOYED FORMAL RECOGNITION (POPULAR DEMOCRAT PARTY, POPULAR DEMOCRACY AND THE CHRISTIAN DEMOCRATIC PARTY), THE SET ONCE AGAIN TURNED TO A STRICT INTERPRETATION OF ONE OF THE LAW'S MORE OBSCURE PROVISIONS. THE SET HELD THAT ALTHOUGH THE POLITICAL PARTIES LAW PROVIDES FOR THE POSSIBLE MERGER OF LEGALLY RECOGNIZED PARTIES INTO ONE PARTY, THE LAW SAID NOTHING ABOUT MERGERS OF POLITICAL MOVEMENTS THAT DO NOT ENJOY LEGAL STATUS. THEREFORE, IN SUBMITTING THE NAMES OF THREE SEPARATE, AND NON-RECOGNIZED GROUPS, IN THE EFFORT TO HAVE THEM RECOGNIZED AS ONE LEGAL PARTY, THE DP HAS ATTEMPTED A MOVE NOT SPECIFICALLY AUTHORIZED BY THE LAW. CONFIDENTIAL

CONFIDENTIAL

PAGE 03 QUITO 03049 01 OF 02 072305Z

4. DP NATIONAL DIRECTOR JULIO CESAR TRIJILLO, IN REMARKS TO THE PRESS, CONDEMNED THE SET DECISION, SAYING THAT IT WAS A MERE PRETEXT BASED ON AN INCORRECT INTERPRETATION OF THE LAW. HE CLAIMED THAT THE MOVE WAS CONFIRMATION THAT THE MILITARY DICTATORSHIP INTENDED TO REFUSE PARTICIPATION IN THE POLITICAL PROCESSES OF THE NATION ALL THOSE PARTIES WHICH REFUSED TO MAKE ARRANGEMENTS WITH THE GOVERNMENT.

5. DEPUTY ASSISTANT SECRETARY FRANCIS MCNEIL MET WITH FONMIN JOSE AYALA, MINDEF ANDRE ARRATA AND TWO FOREIGN MINISTRY OFFICIALS AT THE HOME OF CHARGE CORR MAY 6 TO DISCUSS CONCERNS OF USG THAT RECENT DECISIONS OF THE SET AND THE SUPREME COURT COMBINED TO GIVE THE IMPRESSION THAT THE GOE WAS ATTEMPTING TO INFLUENCE THE ELECTIONS PROCESS BY QUALIFYING AND DISQUALIFYING CERTAIN POLITICAL PARTIES AND CANDIDATES. AYALA, IN CARRYING THE CONVERSATION FOR THE GOE, INSISTED THAT DESPITE APPEARANCES, THE SET AND THE SUPREME COURT WERE TOTALLY AUTONOMOUS AND INDEPENDENT AND THAT THE GOE WAS KEEPING ITS HANDS OFF OF THE POLITICAL DECISIONS CURRENTLY BEING TAKEN BY THOSE INSTITUTIONS. HE MAINTAINED THAT THE SET AND THE SUPREME

COURT ARE JUST AS INDEPENDENT FROM THE GOE EXECUTIVE AS
THE CONGRESS IS FROM THE US EXECUTIVE.

6. REVIEWING THE HISTORY OF THE RETORNO PROCESS, THE
GOE GROUP MAINTAINED THAT THE DECISION TO RETURN TO CIVILIAN
GOVERNMENT WAS MADE VOLUNTARILY BY THE MILITARY GOVERNMENT,
AND CLAIMED THAT CFP LEADER ASSAD BUCARAM WAS THE ONLY
SPECIFIC CANDIDATE THAT THE GOE HAD DECIDED TO REMOVE.
THE ECUADOREANS INSISTED THAT ANY OTHER CANDIDATES THAT
WERE BEING EXCLUDED IN THE PRESENT QUALIFICATIONS PROCESS
WERE IMPEDED FOR LEGITIMATE LEGAL REASONS. THE GOE IS
MERELY OBJECTIVELY ENFORCING LAWS THAT WERE PREPARED BY
CIVILIANS. THEY WERE GENERALLY DEAF TO DEMURRERS BY THE
US SIDE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 QUITO 03049 01 OF 02 072305Z

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 QUITO 03049 02 OF 02 072327Z

ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 ICAE-00 INRE-00 PM-05 H-01 INR-10 L-03

PA-01 SP-02 SS-15 TRSE-00 AID-05 OMB-01 /058 W

-----039337 072331Z /62

O R 072230Z MAY 78

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 8160

AMEMBASSY LIMA NIACT IMMEDIATE

INFO AMEMBASSY LA PAZ

AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 2 OF 2 QUITO 3049

LIMA FOR DEPUTY ASSISTANT SECRETARY MCNEIL

7. MINDEF GEN. ARRATA INSISTED THAT THE MILITARY WAS MAKING
THE EFFORT TO DELIVER THE GOVERNMENT TO THE CIVILIANS
IN SUCH A WAY THAT CIVILIAN DEMOCRACY WOULD BE PERMANENT
AND NOT ONCE AGAIN INTERRUPTED BY THE MILITARY. TO
ACHIEVE THAT GOAL, THE PROCESS HAD TO BE CHanneled PROPERLY.

THE LAWS PRESENTLY BEING INTERPRETED BY THE SET AND THE SUPREME COURT ARE DESIGNED TO DO PRECISELY THAT.

8. ON MAY 7, CHARGE AND POLCOUNS, ACTING ON MR. MCNEIL'S INSTRUCTIONS, VISITED MINDEF ARRATA AT HIS HOME. CHARGE SAID THAT HE HOPED THAT PITH OF US POSITION HAD NOT BEEN LOST IN THE GENERALLY EXTRANEIOUS ARGUMENTS OF THE NIGHT BEFORE. HE STATED THAT RELATIONS BETWEEN THE TWO COUNTRIES HAD IMPROVED DRAMATICALLY OVER THE PAST TWO YEARS AND WE ANTICIPATED AN EVEN CLOSER COOPERATION ON THE BASIS OF ECUADOR'S RETURN TO DEMOCRACY. HOWEVER, THE DISQUALIFICATION OF HURTADO WAS BOUND TO BE SEEN BY MANY IN THE US AS A DENIAL OF OPPORTUNITY TO A SIGNIFICANT POLITICAL SECTOR, AND IF SO, GOE HAD TO BE REALISTIC IN LOWERING ITS EXPECTATIONS ABOUT US CAPACITY TO BE FORTHCOMING
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 QUITO 03049 02 OF 02 072327Z

IN DIVERSE AREAS. ARRATA AGREED THAT US-ECUADOREAN RELATIONS HAD BEEN VERY GOOD AND THAT THEY SHOULD CONTINUE TO IMPROVE. HE ADMITTED THAT HE HAD BEEN PUZZLED BY THE SET DECISION ON BOTH DP AND MPD, HAVING UNDERSTOOD THAT THEY BOTH WOULD QUALIFY. EXPRESSING THE BELIEF THAT THE SET WAS ACTING TOO LEGALISTICALLY, HE PROMISED TO TALK TO ADMIRAL POVEDA ABOUT IT THE NEXT DAY. ALTHOUGH HE CAUTIONED THAT GOE COULD NOT ORDER SET TO FOLLOW ITS DICTATES, HE INDICATED THAT SUPREME COUNCIL WOULD PROBABLY INVITE SET IN FOR A CHAT TO EXPLAIN THE POLITICAL POINT OF VIEW. ARRATA THOUGHT THAT THE MATTER COULD BE RESOLVED WITHIN 48 HOURS WHEN THE SET ADJUDICATES THE APPEAL.

9. COMMENT: THE SET'S DISQUALIFICATION OF THE MPD (MORE-OR-LESS EXPECTED BY THE CHINA-LINE LEFT) MAY HAVE BEEN MADE BECAUSE THE GROUP SIMPLY DID NOT HAVE ENOUGH BONA FIDE ADHERENTS TO SATISFY THE LEGAL REQUIREMENTS OF THE LAW. THE DECISION ON THE DP, HOWEVER, IS CERTAIN TO PROVOKE PROTESTS SINCE IT DEPRIVES A RESPECTABLE POLITICAL ORGANIZATION OF THE POSSIBILITY OF PARTICIPATING IN THE NATION'S POLITICAL PROCESSES. IN A MORE PRACTICAL SENCE IT DEPRIVES THE CFP/DP TICKET OF ITS VICE PRESIDENTIAL CANDIDATE AND THUS DEALS ANOTHER BODY BLOW, ALBEIT INDIRECTLY, TO THE BUCARAM CAMP.

10. AYALA AND THE FONMIN COTERIE WERE PROBABLY NOT AWARE OF THE BACKSTAGE MANIPULATION INVOLVED IN THE DISQUALIFICATIONS. ARRATA PROBABLY WAS, BUT HIS PRIVATE RESPONSE INDICATES THAT HE WAS AS PUZZLED AND CHAGRINED ABOUT THE DECISION AS WE WERE. ALTHOUGH THE SITUATION IS FULL OF SURPRISES, WE ARE CAUTIOUSLY OPTIMISTIC THAT ARRATA'S THINLY VEILED ASSURANCE ABOUT A REVERSAL OF THE KEY HURTADO DECISION WILL COME TO PASS. IF SO, DESPITE ALL

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 QUITO 03049 02 OF 02 072327Z

OF THE MANIPULATION WE MAY YET HAVE AN OPEN AND FAIR
ELECTION.
CORR

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ELECTION LAW, PRESIDENTIAL ELECTIONS, ELECTION CANDIDATES
Control Number: n/a
Copy: SINGLE
Draft Date: 07 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978QUITO03049
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780194-0646
Format: TEL
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780585/aaaaculs.tel
Line Count: 233
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b6f3b4a2-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 QUITO 3023
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2767887
Secure: OPEN
Status: NATIVE
Subject: ELECTORAL TRIBUNAL DISQUALIFICATION OF HURTADO, MENA MAY NOT STICK
TAGS: PINT, EC, (HURTADO, OSVALDO), (MENA, CAMILO)
To: STATE LIMA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b6f3b4a2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014